

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

UNITED STATES OF AMERICA

VS.

Criminal No. 3:07-cr-138(DCB)(LRA)

JOSEPH McNEALY

ORDER

This cause is before the Court on the respondent United States of America's motion to require affidavits from petitioner Joseph McNealy's former defense counsel. Having carefully considered the petitioner's pending 28 U.S.C. § 2255 motion and the United States' present motion, the Court finds that the petitioner alleges ineffective assistance of counsel in this cause, specifically alleging that his former counsel failed to file a motion to suppress the petitioner's consent to the search and seizure of his computer by law enforcement officers, and that his former counsel failed to inform the defendant of any plea offers made by the Government. The Court further finds that the petitioner has waived his right to claim an attorney-client privilege in regard to these proceedings, and that the United States' motion is well-taken.

Accordingly,

IT IS HEREBY ORDERED that the respondent United States of America's motion to require separate affidavits from petitioner's former defense counsel, Kevin D. Camp. Esq., and Dean M. Boland, Esq. (**docket entry 129**) is GRANTED;

FURTHER ORDERED that the Government shall furnish copies of the petitioner's Motion to Vacate and Memorandum in Support thereof to former counsel for the petitioner, Kevin D. Camp, Esq., and Dean M. Boland, Esq., and said counsel shall respond within thirty (30) days from the date of entry of this Order by separate written affidavits to the allegations made by the petitioner as referenced herein, with copies of the affidavits to be provided to all parties.

SO ORDERED, this the 20th day of March, 2012.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE